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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-206229

DATE: February 9, 1982

MATTER OF: Keuffel & Esser Co.

DIGEST:

Protest against solicitation specifications that is transmitted by Western Union which indicates that it was received by GAO after the time set for bid opening is not timely.

Keuffel & Esser Co. (K&E) protests an amendment to the specification of invitation for bids (IFB) No. WFC-A3-R-4622, issued by the General Services Administration. We dismiss the protest.

Protests based on alleged improprieties in a solicitation apparent prior to bid opening (as is the case here) must be filed prior to bid opening. 4 C.F.R. 21.2 (b)(1) (1981). According to K&E, bids were opened on January 28, 1982 at 10:30 a.m. K&E's protest was transmitted by Western Union telex message and was received in GAO on January 28, after the 10:30 bid opening time. The time of receipt (10:47 a.m.) is imprinted on the message. The protest is therefore untimely and will not be considered.

The protest is dismissed.

Harry R. Van Cleve
- Harry R. Van Cleve
Acting General Counsel